

State of Maine
Board of Licensure in Medicine
137 SHS, 161 Capitol Street
Augusta, Maine 04333-0137
February 11, 2014 Minutes

Board Members Present

Maroulla Gleaton, M.D., Chairman
David D. Jones, M.D., Board Secretary
David H. Dumont, M.D.
David R. Andrews, M.D.
Louisa Barnhart, M.D.
Cheryl Clukey
Dana Dyer
David Nyberg, Ph.D.
Christopher R. Ross, P.A.-C
Peter J. Sacchetti, M.D.
Ms. Clukey was excused at 3:30 p.m.

Board Staff Present

Randal C. Manning, Executive Director
Mark C. Cooper, M.D., Medical Director
Jean M Greenwood, Administrative Assistant
Kathryn Levesque, Board Investigator
Tim Terranova, Consumer Assistant

Attorney General's Office Staff

Dennis Smith, Assistant Attorney General
Detective James Gioia

The Board meets in public session with the exception of the times listed below, which are held in executive session. Executive sessions are held to consider matters which, under statute, are confidential (1 M.R.S. §405) and 10 M.R.S.A. §8003-B, and 22 M.R.S. § 1711-C). The Board moved, seconded, and voted the following executive session times. During the public session of the meeting, actions are taken on all matters discussed during executive session. Complaint discussions are projected on the wall.

PUBLIC SESSIONS

9:19 a.m. – 9:02 a.m.
9:25. a.m. – 11:00 a.m.
11:00 a.m. – 11:12 a.m.
12:12 p.m. – 12:12 p.m.
12:14 p.m. – 12:52 p.m.
12:52 p.m. – 1:05 p.m..
2:28 p.m. – 4:19 p.m.
4:19 p.m.

PURPOSE

Call to Order
Public Session
Recess
Vote on Informal Conference
Noon Recess
Public Session
Public Session
Adjournment

EXECUTIVE SESSION

9:22 a.m. - 9:25 a.m.
11:12 a.m.. – 12:12 p.m.
1:05 p.m. – 2:28 p.m.

Complaints

Informal Conference
Informal Conference

I. Call to Order

Dr. Gleaton called the meeting to order at 9:19 a.m.

A. Amendments to Agenda

1. Kevin M. Kendall, M.D. (Consent Agreement Monitoring)
2. Amend off CR14-129
3. Secretary's Report, List B Mohammad Aljanaby, M.D. Amend off the agenda.

B. Scheduled Agenda Items

1. 11:00 a.m. - Informal Conference - CR 13-124
2. 1:00 p.m. - Informal Conference – CR 13-105
3. 3:30 p.m. Dr. Paul Han "Risk Talk"

II. Complaints

1. Letters of Guidance

- a. CR13-46 Deborah J. Peabody, M.D.

Dr. Andrews moved to approve the letter of guidance to Dr. Peabody. Dr. Jones seconded the motion, which passed unanimously.

- b. CR 13-167 Douglas G. Couper, M.D.

Dr. Dumont moved to approve the letter of guidance to Dr. Couper. Dr. Jones seconded the motion, which passed 9-0-0-1 with Dr. Andrews recused.

- c. CR 13-174 David M. Walter, M.D.

Dr. Barnhart moved to approve the letter of guidance to Dr. Walter, with correction. Dr. Jones seconded the motion, which passed 9-0-1-0 with Dr. Dumont abstaining.

2. CR12-233

Dr. Dumont moved to order an informal conference in the matter of CR12-233. Dr. Jones seconded the motion, which passed unanimously.

3. CR13-86

Mr. Dyer moved to instruct the Assistant Attorney General regarding a consent agreement for return to practice in the matter of CR13-86. Dr. Dumont seconded the motion, which passed 9-0-0-1 with Dr. Jones recused.

4. CR13-159

Ms. Clukey moved to dismiss CR13-159 with a letter of guidance. Dr. Jones seconded the motion which failed 1-8-0-1 with Dr. Andrews recused.

Dr. Nyberg moved to dismiss CR13-159. Dr. Jones seconded the motion passed 8-1-0-1.

Upon reconsideration, the motion, passed 9-0-0-1 with Dr. Andrews recused.

The dissenting voter requested alteration of the descriptive language. The final language is:

The patient complains that after an abnormal test result, the physician informed her she very likely had a specific disease. As a result, the patient stated she experienced unnecessary panic and mental and emotional stress because six days later the physician informed her that she did not have the disease, but still needed to have a PET scan of the lesions.

The physician states her decisions and communications with the patient were thorough and medically appropriate. She states the patient was justifiably overwhelmed with this news and amount of information offered. She apologizes for her role in the patient's confusion during the process. However, she feels it important to be honest with patients and provide them with as much information as possible. She also states she is aware of the need to be sensitive when sharing medical facts.

The physician's medical treatment was appropriate and her need to be honest correct. However, there are less alarming ways to discuss potential diagnosis with patient.

5. CR 13-161

Dr. Andrews moved to dismiss CR 13-161. Dr. Dumont seconded the motion, which passed unanimously.

The primary care physician alleges that the surgeon abandoned care of the patient after she developed a post-operative complication. The surgeon firmly denies this and states the patient cancelled a planned second post-op visit with no indication of dissatisfaction. The PCP referred the patient to a second vascular surgeon who obtained further studies and rendered essential surgical care. Record review shows attentive and appropriate surgical care for an advanced condition that was judged inoperable by both consulting surgeons. Apparently, the complainant did not receive the dictated discharge summary that documents the respondent surgeon's prognostic concerns, despite his directive. It appears that no attempts were made by the complainant to contact the surgeon to discuss his concerns.

6. CR13-177 Dana P. Bartone, M.D.

Dr. Barnhart moved to dismiss CR13-177 Dana P. Bartone, M.D. with a letter of guidance. Dr. Jones seconded the motion, which passed unanimously.

7. CR13-181 Sally E. Kirkpatrick, M.D.

Dr. Sacchetti moved to dismiss CR13-181 Sally E. Kirkpatrick, M.D. with a letter of guidance. Dr. Andrews seconded the motion, which passed 9-1-0-0.

8. CR13-195

Dr. Andrews moved to dismiss CR13-195. Dr. Jones seconded the motion, which passed unanimously.

The patient complains she was discharged from the PA-C's practice because her urine drug screens were performed inadequately. In fact, the UDS's were performed correctly and results were confirmed by another lab on several occasions. The patient was counseled after the first and inconsistent UDS, but subsequent screens also came back negative or adulterated. The PA-C acted professionally and gave the patient more than one chance to take her medications as prescribed before discharging her, with the supervising physician's support and approval.

9. CR13-205

Dr. Andrews moved to investigate further CR13-205. Dr. Dumont seconded the motion, which passed 9-0-0-1 with Dr. Barnhart recused.

10. CR13-59

Dr. Nyberg moved to investigate further CR 13-59. Mr. Dyer seconded the motion, which passed unanimously.

11. CR13-60

Dr. Nyberg moved to investigate further CR 13-60. Mr. Dyer seconded the motion, which passed unanimously.

12. CR13-67

Dr. Nyberg moved to investigate further CR 13-67. Mr. Dyer seconded the motion, which passed unanimously.

13. CR13-129 AMENDED OFF THE AGENDA

14 CR13-162

Dr. Jones moved to dismiss CR13-162. Mr. Dyer seconded the motion, which passed unanimously.

The complaint is based on a family's concern that a patient's terminal cancer was not diagnosed in a timely fashion. After initial review of this complaint, the Board asked the physician additional questions and has reviewed his response. Review of the record, the physician's initial response, and his response to the additional questions does not support the complaint. The Board

finds the care of this patient appropriate and timely. The physician agrees with the Board that treating each visit as a unique event with thorough documentation is important.

15. CR13-190

Mr. Ross moved to dismiss CR13-190. Dr. Andrews seconded the motion, which passed 8-0-0-2 with Dr. Barnhart and Dr. Dumont recused.

The daughter of a patient in Nursing Home and Hospice Care complained about the medical care her father was receiving. Review of the records indicates reasonable, appropriate care for this patient with complicated end-stage medical issues.

16. CR13-191

Mr. Ross moved to dismiss CR13-191. Dr. Sacchetti seconded the motion, which passed 9-0-0-1 with Dr. Jones recused.

A patient complained about the care he received by an Emergency Room physician. Review of the records indicates excellent and timely medical care rendered by this physician. Although the patient did not agree with the diagnosis, the treatment was reasonable.

17. CR13-196

Dr. Sacchetti moved to dismiss CR13-196. Mr. Dyer seconded the motion, which passed unanimously.

The mother of a patient reports that her son's physician would not refill mood stabilizing medication which resulted in her son's behavioral decompensation. The physician set appropriate boundaries, provided above average care, and made multiple attempts to connect this child with specialty care, which was desperately needed. Furthermore, the medication in question had resulted in abnormal liver function and close monitoring was a stipulation for continuing it. The family failed to heed the physician's advice.

18. CR13-198

Dr. Jones moved to dismiss CR13-198. Dr. Nyberg seconded the motion, which passed unanimously.

The complainant, who is a resident of a state institution, complains the physician is withholding medical evidence to deny him care. The physician responds explaining the care the patient received and that multiple x-rays have not revealed a significant abnormality. A review of the medical record confirms appropriate care.

19. CR13-200

Dr. Dumont moved to dismiss CR13-200. Dr. Jones seconded the motion, which passed unanimously.

The complainant, who is a resident of a state institution, complains his Ensure, prescribed for a chronic medical condition, was decreased in retaliation for filing complaints about other issues. The physician responds by explaining the patient's Ensure was decreased due to excessive weight gain. The medical record documents a 17lb weight gain in 5 months, a current BMI of 28.6, and comprehensive medical care for a difficult and chronic condition.

20. CR13-207

Ms. Clukey moved to dismiss CR13-207. Mr. Dyer seconded the motion, which passed unanimously.

The patient complains that the physician did not appropriately treat his pain and was disrespectful. The physician states that he appropriately treated the patient's wound and pain and denies being disrespectful to the patient. The medical records show appropriate medical care and treatment.

21. CR13-215

Dr. Jones moved to investigate further CR13-215. Dr. Nyberg seconded the motion, which passed unanimously.

22. CR13-169

Mr. Dyer moved to investigate further CR13-169. Dr. Nyberg seconded the motion, which passed unanimously.

23. INTENTIONALLY LEFT BLANK

III. Assessment and Direction

24. AD13-219

Dr. Jones moved to file AD13-219. Mr. Dyer seconded the motion, which passed unanimously.

25. AD14-15 (CR14-27)

Dr. Jones moved to issue a complaint in the matter of AD14-15 (CR14-27). Dr. Nyberg seconded the motion, which passed unanimously.

26. AD14-16

Dr. Andrews moved to file AD14-16. Dr. Jones seconded the motion, which passed 9-0-0-1 with Dr. Dumont recused.

- 27. INTENTIONALLY LEFT BLANK
- 28. INTENTIONALLY LEFT BLANK
- 29. Complaint Status Report (FYI)
- 30. Consumer Assistant Feedback (FYI)
- 31. Physician Feedback (FYI)

IV. Informal Conference(s)

A. CR13-124 Kenneth P. Wolf, M.D.

Dr. Gleaton moved to dismiss CR13-124 Kenneth P. Wolf, M.D. with a letter of guidance. Dr. Jones seconded the motion, which passed unanimously.

B. CR13-105

Dr. Dumont moved to investigate further CR13-105. Ms. Clukey seconded the motion, which passed unanimously.

Recused and not participating in the informal conference: Dr. Gleaton, Mr. Ross, and Dr. Barnhart.

V. Minutes of January 14, 2014

Dr. Jones moved to approve the minutes of January 14, 2014. Dr. Andrews seconded the motion, which passed 9-0-1-0 with Dr. Dumont abstaining.

VI. Board Orders and Consent Agreement Monitoring and Approval

A. Board Orders (None)

B. Consent Agreement Monitoring and Approval

- 1. John A. Boothby, M.D. (FYI)
- 2. Alexandra M. Craig, M.D. (Request)

Dr. Jones moved to grant Dr. Craig a full license. Dr. Dumont seconded the motion, which passed unanimously.

- 3. Kevin M. Kendall, M.D.

Dr. Dumont moved to accept as proposed Dr. Kendall's request to amend his Consent Agreement to allow him to work 44 hours (39 clinical hours and 5 administrative) per week,

up to 12-hour shifts ending by midnight, and no midnight to 7:00 a.m. shifts. Dr. Sacchetti seconded the motion, which passed unanimously.

VII. Adjudicatory Hearing(s)

VIII. Remarks of Chairman

A. Discussion of Board Meeting Alternatives (FYI)

IX. Executive Director's Monthly Report

The Board accepted the report of the Executive Director.

A. Complaint Status Report (FYI)

X. Medical Director's Report (None)

XI. Remarks of Assistant Attorney General (None)

XII. Secretary's Report

A. List A

1. M.D. List A Licenses for Ratification

Dr. Jones moved to ratify approval of the physician applications on M.D. List A. Mr. Ross seconded the motion, which passed unanimously.

The following license applications have been approved by staff and Board Secretary David D. Jones, M.D. without reservation:

<u>NAME</u>	<u>SPECIALTY</u>	<u>LOCATION</u>
Abbott, Megan M.	Otolaryngology	Portland
Aytenfisu, Ermias	Neurology	Waterville
Babb, Elisabeth J.	Internal Medicine	Lewiston
Bhatia, Parneeta	Anesthesiology	Lewiston
Cranston D'amato, Hope P.	Internal Medicine	Lewiston
Depetrillo, John C.	Internal Medicine	Lewiston
Dickhaus, Dellice M.	Internal Medicine	Lewiston
Dier, Gary L.	Diagnostic Radiology	Teleradiology
El-Sayed, Mahmoud M	Internal Medicine	Lewiston
Gandhi, Sanjay	OB/GYN	Telemedicine
Goldman, Andrew R.	Internal Medicine	Biddeford
Hakky, Moonkez	A&C Pathology	Lewiston
Hanson, Richard S.	Internal Medicine	Auburn
Karmally, Zohair H.	Internal Medicine	Lewiston

Kirkham, John C.	Surgery	South Portland
Kelemen III, John J.	Thoracic Surgery	Portland
Kim, June	Internal Medicine	Lewiston
Kopec, Isabelle C.	Internal Medicine	Lewiston
Kung, David H.	Internal Medicine	Lewiston
Linskey, Katy R.	Dermatopathology	Portland
Liscord, Emory E.	Emergency Medicine	Augusta
Lu, Kang	Diagnostic Radiology	Teleradiology
Lupinetti, Flavian M.	Cardiovascular Surgery	Bangor
Manandhar, Lochana	Internal Medicine	Presque Isle
Michaud, Gregory F.	Cardiovascular Disease	Portland
Migura, Anthony M.	Internal Medicine	Lewiston
Mintz, Mark I.	Pediatrics	Not Listed
Nataraj, Dilip	Internal Medicine	Telemedicine
Patil, Pooja	Internal Medicine	Lewiston
Rahulan, Vijil K.	Internal Medicine	Telemedicine
Ramakrishnan, Nagarajan	Internal Medicine	Lewiston
Rana, Sameer N.	Internal Medicine	Lewiston
Rao, Kavitha P.	A&C Pathology	York
Rashid, Ashraf, O.	Internal Medicine	Lewiston
Rogell, Gerald D.	Ophthalmology	Bangor
Romeo Miramon, Bruno A.	OB/GYN	Bangor
Sande, Jane E.	Pediatrics	Machias
Sparger, Katherine A.	Neonatology	York
Syed, Toyiba H.	Internal Medicine	Bangor
Venkataraman, Ramesh	Internal Medicine	Lewiston
Walter, Michael J.	Internal Medicine	Lewiston
Willard, Caitlin E.	Family Medicine	Portland
Zager, Samuel L.	Family Medicine	Portland

2. P.A. List A Licenses for Ratification

Dr. Jones moved to ratify approval of the physician assistant applications on P.A. List A.
Dr. Dumont seconded the motion, which passed unanimously.

The following Physician Assistant license applications have been approved by the Board Secretary David Jones, M.D. without reservation:

NAME	LICENSE	PSP	LOCATION
Timothy Hosch, P.A.-C	Inactive	None	None
Kendra Gauthier-LeBreton, P.A.-C	Active	James Turner, M.D.	Bangor

B. List B Applications for Individual Consideration

1. Mohammad Aljanaby, M.D. AMENDED OFF THE AGENDA.

2. Wayne J. Byrnes, M.D.

The Licensure Committee moved to investigate further. The motion passed unanimously.

C. List C Applications for Reinstatement (None)

D. List D Withdrawals

1. List D (1) Withdraw License Application (None)

2. List D (2) Withdraw License from Registration

Dr. Jones moved to approve the physicians and physician assistants on List D (2) to withdraw from registration. Dr. Dumont seconded the motion, which passed unanimously.

The following physicians and physician assistants have applied to withdraw their licenses from registration:

<u>NAME</u>	<u>LICENSE NUMBER</u>
Fiore, Ann Marie	PA1240
Gokhale, Mandaar	MD19359
Mandell, Sue Ann	MD13066
Nadkarni, Anand	MD11603
Nattell, Daniel	MD18381
Schommer, Susan	MD18328
Shulman, Ivan	MD17859
Silver, Mark	MD8519
Soni, Ankoor	MD19383
Stohrer, Anne	MD15917
Sullivan, Cornelius	MD12485
Turk, Ronald	MD13701

3. List D (3) Withdraw License from Registration – Individual Consideration (None)

E. List E Licenses to lapse by operation of law.

The following physician and physician assistant licenses lapsed by operation of law effective January 22, 2014:

<u>NAME</u>	<u>LICENSE NUMBER</u>
Alifo, Augustine	MD18727
Butterfield, Jean	MD15434
Chilukuri, Ananthakrishna	MD17786
Clayton, James	MD12740
Disanto, Susan	MD19332

Eckard, Valerie	MD17271
Farinholt, Heidi-Marie	MD18439
Hay, Valerie	MD19075
Henrys, Paul	MD18805
Kumar, Deepak	MD18464
Lopez, Marvin	MD9545
MacMichael, Douglas	MD18192
MacQueen, Amy	MD18314
Meek, Jonathan	MD16922
Oalican, Rodisendo	MD17679
Patino, Willmar	MD18798
Peterson, John	MD19549
Raine, Marie	MD18913
Shulman, Ned	MD18609
Stopak, Samuel	MD19539
Yang, Byoung Woo	MD17783
Yates, Matthew	MD17132

F. List F Licensees requesting to convert to active status (None)

G. List G Renewal applications for review (None)

H. List H. Physician Assistant Schedule II Authority Requests for Ratification

1. Applications to Renew Schedule II Authority

Dr. Jones moved to ratify approval of the physician assistants on List H (1) to Renew Schedule II Authority. Dr. Dumont seconded the motion, which passed unanimously.

The following requests to renew Schedule II prescribing authority have been approved by Board Secretary David Jones, M.D.:

NAME	PSP	LOCATION
Michael Brennan, P.A.-C	Orion Nohr, M.D.	Portland
David Flaherty, P.A.-C	David McDermott, M.D.	Dover-Foxcroft
Patricia Gathman, P.A.-C	Barbara Covey, M.D.	Augusta
Matthew Johnson, P.A.-C	Lee Thibodeau, M.D.	Portland
	Konrad Barth, M.D.	Scarborough
Mark Sullivan, P.A.-C	Robert Helm, M.D.	Portsmouth
Mark S. Wright, P.A.-C	Anthony Mancini, M.D.	Augusta

2. Applications for New Schedule II Authority

Dr. Jones moved to ratify approval of the physician assistants on List H (2) for Schedule II Authority. Dr. Dumont seconded the motion, which passed unanimously.

The following new requests for Schedule II prescribing authority have been approved by Board Secretary David Jones, M.D.:

<u>NAME</u>	<u>PSP</u>	<u>LOCATION</u>
Kathleen Bradley, P.A.-C	Sacha Matthews, M.D.	Portland
Loretta Daniels, P.A.-C	David McDermott, M.D.	Dover-Foxcroft
Oscar Falconer, P.A.-C	James Johnston, M.D.	Augusta
Cameron Martin, P.A.-C	David Burke, M.D.	Bangor
Sonya McNamara, P.A.-C	Lee Thibodeau, M.D.	Scarborough
Cameron Martin, P.A.-C	David Burke, M.D.	Bangor
Carolyn Pollard, P.A.-C	Lawrence Smith, M.D.	Brewer
Sue Porter, P.A.-C	Michael Faloon, M.D.	Presque Isle

XIII. Standing Committee Reports

A. Special Projects and Clinical Evaluation Committee (FYI)

XIV. Board Correspondence

XV. Other Business

A. Dr. Paul Han "Risk Talk"

Dr. Paul Han presented a summary and evaluation of a risk communication curriculum for medical students, residents, and licensed physicians.

XVI. Adjournment 4:19 p.m.

Dr. Andrews moved to adjourn. Dr. Jones seconded the motion, which passed unanimously.

Respectfully submitted,


Timothy Terranova
Consumer Assistant